

**REAL ESTATE APPRAISERS BOARD  
TELECONFERENCE  
OCTOBER 7, 2009**

**PRESENT:** Marla Britton, Sharon Fiedler, Micquel Hoffman, Mark Kowbel, Karen Scott, and Henry Simon

**STAFF PRESENT:** Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Michelle Solem, Bureau Assistant and other DRL Staff

**GUESTS:** Debbi Conrad, Wisconsin Realtors Association

**OPEN SESSION – CALL TO ORDER**

Marla Britton, Chair, called the meeting to order at 9:07 a.m. A quorum of 6 members was present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- Change Item C to be Board Chair and Vice-Chair Training from Case Advisor Training
- Added the following items received after printing of the agenda:
  - Stipulations
    - 07 APP 138 – John Forsythe and Pamela Gibbs
    - 07 APP 141 – John Forsythe and Pamela Gibbs
    - 08 APP 012 – Alvin Counard
  - Administrative Warnings
    - 08 APP 099 - (L.M.V.B.)
    - 08 APP 014 – (T.D)
  - Case Closings
    - 07 APP 006
    - 07 APP 039

**MOTION:** Karen Scott moved, seconded by Henry Simon, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES AUGUST 12, 2009**

**MOTION:** Sharon Fiedler moved, seconded by Micquel Hoffman, to approve the minutes of August 12, 2009 as published. Motion carried unanimously.

**ELECTION OF OFFICERS AND BOARD APPOINTMENTS FOR 2010**

**Nominations for Chair**

**NOMINATION:** Karen Scott nominated Sharon Fiedler for Chair – Sharon Fiedler declined the nomination.

Sharon Fiedler nominated Marla Britton for Chair.  
Marla Britton called for nominations three times.  
Marla Britton was re-elected as the Board chairperson by unanimous vote.

**NOMINATION:** Karen Scott nominated Sharon Fiedler for Vice-Chair  
Marla Britton called for nominations three times.  
Sharon Fiedler was re-elected as the Board vice-chairperson by unanimous vote.

**NOMINATION:** Mark Kowbel nominated Micquel Hoffman as secretary.  
Micquel Hoffman declined the nomination.  
Henry Simon nominated Mark Kowbel. Tom Ryan indicated that Mark Kowbel had submitted letter of resignation. Henry Simon withdrew his nomination of Mark Kowbel for secretary.  
Henry Simon nominated Karen Scott as secretary.  
Marla Britton called for nominations three times.  
Karen Scott was elected as the Board Secretary by unanimous vote.

The Chair made the following appointments:

Credentialing Liaison – Karen Scott  
Monitoring Liaison – Karen Scott

### **ADMINISTRATIVE REPORT TOM RYAN, BUREAU DIRECTOR**

- **Update and Reminder: 2009 Meeting Schedule: November 11, 2009 Meeting**

Everyone is available at 9:00

- **Board Chair and Vice-Chair Reception and Training – December 3-4, 2009**

The Board chair and vice-chair will be invited to training necessary for managing the Board.

- **2010 Board Meeting Dates – Board review for approval**

**MOTION:** Karen Scott moved, seconded by Sharon Fiedler, to approve the meeting dates for 2010. Motion carried unanimously.

- **Practice Questions**

Tom Ryan reviewed the practice question and frequently asked question procedures document in the agenda packet.

**PRESENTATION OF PROPOSED STIPULATIONS BY DOE OR ANY SUBMITTED  
AFTER PRINTING OF THE AGENDA**

A presentation was given by the Division of Enforcement on all of the following Stipulations:

1. Frank E Verges 07 APP 132
2. Lance A. Cloutier 08 APP 049
3. Richard A. McCue 08 APP 053
4. Rhonda R. Aylesworth 08 APP 064
5. Melanie J. Horkman 09 APP 022
6. Kelly McCormack 07 APP 0143
7. Mark L. Poirier 07 APP 147
8. Charles Kraemer 08 APP 076
9. Brenda Gierach Woodas 08 APP 085
10. Mykel Farr 08 APP 088
11. Gibbs/Forsythe 08APP 138 and 07 APP 141
12. Alvin Counard 08 APP 012

**LRB-3434/2 RELATING TO CERTIFICATION AND LICENSURE OF REAL ESTATE  
APPRAISERS AND REQUIREMENTS FOR APPRAISAL REPORTS AND GRANTING  
RULE MAKING AUTHORITY**

Mary Reavey, Chair, Real Estate Appraisers Board Education and Experience Advisory Committee, connected to the meeting by phone. She reported that AB 472 (LRB-3434/2) will be presented to the legislature (400NE) this afternoon at 1:00. She also informed the Board that the companion bill has not yet been drafted. The goal of the bill is to provide for mandatory certification.

**2009 AUDIT BY THE APPRAISAL SUBCOMMITTEE AND THE FEDERAL  
FINANCIAL INSTITUTIONS EXAMINATION COUNCIL**

The auditors will be at DRL on November 10 & 11 and plan to attend the meeting on the 11th. Tom Ryan has responded to the letter and Division of Enforcement will also respond to the letter. Tom Ryan indicated that the Department will respond to questions and provide materials as requested. The auditors will be submitting a list of the specific files that they would like to review at least 10 days prior to their arrival. The auditors will file a written report to the Appraisal Subcommittee. The Board will receive a copy of that report and have an opportunity comment on it. Lara Herman, Division of Enforcement, reported to the Board that some of the cases that are under review are being sent to contractors for review.

**PRACTICE ISSUES**

None.

**BOARD MEMBER ACTIVITY**

Noted.

**NEW BUSINESS**

None.

**PUBLIC COMMENTS**

Debbie Conrad notified the Board she plans to join the meeting when open session re-convenes.

**CLOSED SESSION**

**MOTION:** Mark Kowbel moved, seconded by Karen Scott, to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Micquel Hoffman Hoffman-yes; Karen Scott-yes; and Henry Simon-yes; Mark Kowbel – yes.

Open Session recessed at 10:15 p.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Karen Scott moved, seconded by Henry Simon, to reconvene into Open Session at 11:21 a.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON  
IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

**MONITORING REPORTS OR ANY RECEIVED AFTER  
MAILING OF AGENDA**

None.

**DELIBERATION ON PROPOSED STIPULATIONS**

**FRANK E VERGES  
07 APP 132**

**MOTION:** Karen Scott moved, seconded by Micquel Hoffman, adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 07 APP 132. Motion carried unanimously.

**LANCE A CLOUTIER**  
**08 APP 049**

**MOTION:** Mark Kowbel moved, seconded by Karen Scott, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 049. Motion carried unanimously.

**RICHARD A MCCUE**  
**08 APP 053**

**MOTION:** Henry Simon moved, seconded by Micquel Hoffman, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 053. Motion carried unanimously.

**RHONDA R AYLESWORTH**  
**08 APP 064**

**MOTION:** Karen Scott moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 064 subject to changing education hours from 30 to 60. Motion carried unanimously.

**MELANIE J HORKMAN**  
**09 APP 022**

**MOTION:** Karen Scott moved, seconded by Mark Kowbel, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 09 APP 022. Motion carried unanimously.

**KELLY MCCORMACK**  
**07 APP 143**

**MOTION:** Mark Kowbel moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 07 APP 143. Motion carried unanimously.

**MARK L POIRIER**  
**07 APP 147**

**MOTION:** Micquel Hoffman moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 07 APP 147 (Mark Poirier) subject to the parties including the corresponding violations USPAP Standards Rule 2-2(B) under paragraph 3 (A-E) of the findings of facts. Motion carried unanimously.

**CHARLES KRAEMER**  
**08 APP 076**

**MOTION:** Mark Kowbel moved, seconded by Micquel Hoffman, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 076 (Charles Kraemer). Motion carried unanimously.

**BRENDA GIERACH WOODAS**  
**08 APP 085**

**MOTION:** Sharon Fiedler moved, seconded by Karen Scott, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 085 (Brenda Gierach Woodas). Motion carried unanimously.

**MYKEL FARR**  
**08 APP 088**

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 088 (Mykel Farr). Motion carried unanimously.

**ALVIN COUNARD**  
**08 APP 012**

**MOTION:** Karen Scott moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 APP 012 (Alvin Counard). Motion carried unanimously

**JOHN FORSYTHE/PAMELA GIBBS**  
**07APP 138 AND 07 APP 141**

**MOTION:** Sharon Fiedler moved, seconded by Mark Kowbel, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 07 APP 138 and 07 APP 141 (John Forsythe/Pamela Gibbs). Motion carried unanimously

**DELIBERATION ON PROPOSED ADMINISTRATIVE WARNINGS**  
**OR ANY RECEIVED AFTER PRINTING OF AGENDA**

**08 APP 053**  
**(D.G.R.)**

**MOTION:** Karen Scott, seconded by Mark Kowbel, to issue the administrative warning in the matter of **08 APP 053 (D.G.R.)**. Motion carried unanimously.

**08 APP 099  
(L.M.V.B.)**

**MOTION:** Karen Scott, seconded by Mark Kowbel, to issue the administrative warning in the matter of **08 APP 099 (L.M.V.B.)**. Motion carried unanimously.

**08 APP 014  
(T. D.)**

**MOTION:** Karen Scott, seconded by Micquel Hoffman, to issue the administrative warning in the matter of **08 APP 014 (T.D.)**. Motion carried unanimously.

**DELIBERATION ON PROPOSED DECISIONS OR ANY  
SIGNED AFTER PRINTING OF THE AGENDA**

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR  
ANY RECEIVED AFTER MAILING OF AGENDA**

**06 APP 122**

**MOTION:** Mark Kowbel moved, seconded by Micquel Hoffman, to close case **06 APP 122** for insufficient evidence. Motion carried unanimously.

**09 APP 027, 09 APP 030, and 07 APP 006**

**MOTION:** Sharon Fiedler moved, seconded by Mark Kowbel, not to close case **09 APP 027, 09 APP 030 and 07 APP 006** and return to DOE. Motion carried. Marla Britton voted no on 09 APP 027 and 09 APP 030.

**08 APP 001**

**MOTION:** Sharon Fiedler moved, seconded by Karen Scott, to close case **08 APP 001** for prosecutorial discretion P2. Motion carried unanimously.

**08 APP 102**

**MOTION:** Mark Kowbel moved, seconded by Micquel Hoffman, to close case **08 APP 102** for prosecutorial discretion P2. Motion carried unanimously.

**07 APP 039**

**MOTION:** Karen Scott moved, seconded by Mark Kowbel, to close case **07 APP 039** for prosecutorial discretion P7. Motion carried unanimously.

**DELIBERATION ON DISCIPLINARY ACTIONS SIGNED AFTER PRINTING OF  
AGENDA**

None.

**PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF AGENDA**

None.

**REINSTATEMENT REQUESTS OR ANY SUBMITTED AFTER  
PRINTING OF AGENDA**

None.

**EXAMINATION ISSUES**

None.

**CONSULTING WITH LEGAL COUNSEL**

None

**Other Items as Authorized by Law**

None.

**DOE Signatures for Proposed Stipulations, Orders and Administrative Warnings**

Signatures were collected for all required documents.

**MOTION:** Karen Scott move, seconded by Micquel Hoffman to allow Tom Ryan to sign Board Orders on behalf of the Board

**ADJOURNMENT**

**MOTION:** Karen Scott moved, seconded by Henry Simon, to adjourn the meeting at 12:05 p.m. Motion carried unanimously.

**NEXT MEETING:  
November 11, 2009**